S.B.CRIMINAL MISC. BAIL APPLICATION NO.4805/2007
(Kailash vs. State of Rajasthan)

DATE OF ORDER : September 27, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Ramesh Purohit, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

Learned counsel for the petitioner has shown me the statement of prosecutrix recorded by S.D.M., Jahajpur on 29.3.2006, wherein she categorically stated on oath that she went with Kailash at her own will and lived happily with him, however, now she does not want to live with Kailash and wants to go to Gopal.

Be that as it may, keeping in view the statement of the prosecutrix on oath before the S.D.M., Jahajpur, and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under

section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Kailash s/o Nanda in FIR No.86/2007, Police Station, Kotadi, Distt. Bhilwara, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in a sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-